



**CITY OF SUNNYVALE
REPORT
Administrative Hearing**

July 13, 2005

SUBJECT: **2005-0564** – Victor Aboytes [**Applicant**] Caletti Associates LLC [**Owner**]: Application for a on a 22,525 square-foot site located at **928 West El Camino Real** (near S. Mary Ave) in a C-2 (Highway Business) Zoning District. (APN: 201-19-036)

Motion Use Permit to allow an autobody repair shop and sales office within an existing building.

REPORT IN BRIEF

Existing Site Conditions Vacant commercial auto repair building

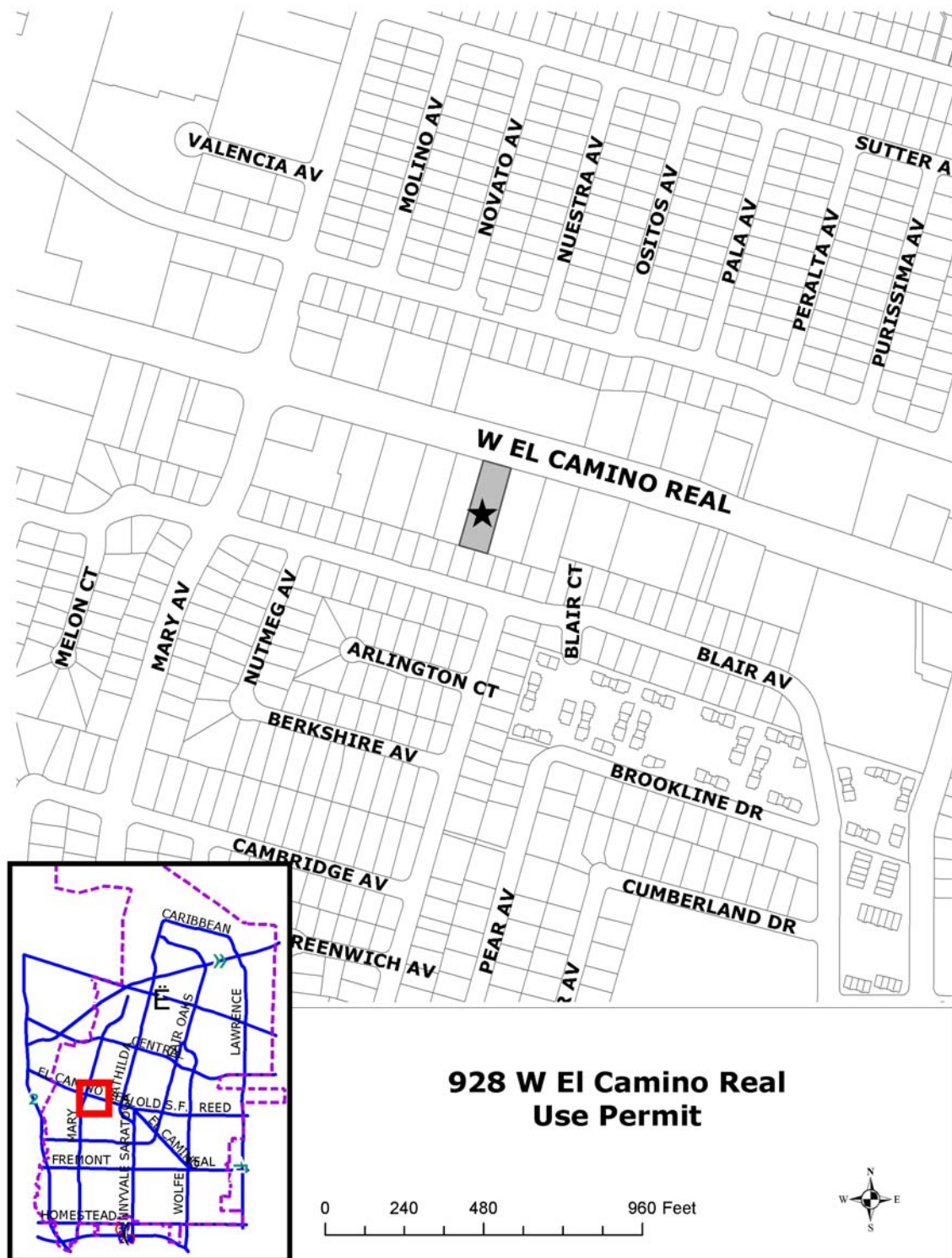
Surrounding Land Uses

North	Highway Commercial
South	Single Family Residential
East	Highway Commercial
West	Highway Commercial

Issues Car sales and site improvements

Environmental Status A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Staff Recommendation Approve with conditions



PROJECT DATA TABLE

	EXISTING	PROPOSED	REQUIRED/ PERMITTED
General Plan	Commercial General Business	Same	Commercial General Business
Zoning District	C-2	Same	C-2
Lot Size (s.f.)	22,525	Same	None min.
Gross Floor Area (s.f.)	6,600	Same	12,388 max.
Lot Coverage (%)	29.3	Same	35 max.
Building Height (ft.)	20	Same	75 max.
Setbacks (First/Second Facing Property)			
Front	70	Same	70 min.
Left Side	0	Same	0 min.
Right Side	37	Same	0 min.
Rear	26	Same	0 min.
Landscaping (sq. ft.)			
Total Landscaping	1,591 (7%)	Same	20% min.
Frontage Width (ft.)	20	Same	15 ft. min.
Buffer (ft.) Adj. Residential	None	Same	10 ft. min.
Parking Lot Area Shading (%)	None	Same	<i>Exempt</i> 50% min. in 15 years
Parking			
Total Spaces	39	53 (includes vehicle sales display)	37 min.
Outdoor	28	28	None min.
Indoor	11	25	None max.
Accessible Spaces	none	none	2 min.
Aisle Width (ft.)	26	26*(portion under canopy)	26 min.

ANALYSIS

Description of Proposed Project

The applicant proposes to occupy an existing auto repair and auto body building and include used vehicle sales on the site. The previous use of the building and site was for auto repair. There are multiple garage bays for auto repair within the existing building that will also be used by the applicant. The Use Permit is required due to the inclusion of automobile sales at the site in combination with auto repair.

Background

Previous Actions on the Site: The following table summarizes previous planning applications related to the subject site.

File Number	Brief Description	Hearing/Decision	Date
1971-0166	Approval of building for use as auto repair	Planning Commission	5-10-1971
1972-0239	Modified plans for previous approval	Staff	3-13-1972

Environmental Review

A Class 1 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 1 Categorical Exemptions include use of existing facilities.

Use Permit

Site Layout: The site consists of a 20-foot landscape strip along the El Camino Real frontage, parking along the west property line and in front of the building, an auto repair garage building located on the east property line, and a 20-foot wide ingress egress easement for alley access along the rear property line. The majority of the site's landscaping exists within the El Camino Real frontage area.

The applicant intends to provide for vehicle sales display in the front parking spaces and utilize the remainder of the site as required parking for an autobody repair business. The existing building is to be modified to allow a variety of automotive repair activities, such as painting and collision repair, and increase the number of interior service bays and thus the amount of parking on site. No exterior changes are proposed. The outdoor parking near

the middle of the site utilizes maneuvering area underneath an eight-foot canopy to meet the minimum 26-foot backup distance requirement.

Stormwater Management: The project is not proposing to increase or replace existing impervious surfaces. The proposed project is exempt from stormwater management plan requirements.

Architecture: The applicant does not propose architectural changes to the building. Staff recommends the applicant update the front exterior with new paint and finishes, such as trim and face of the mansard roof feature.

Landscaping: The site is currently landscaped at 7% of the site where 20% is required. There is no tree shading of parking areas on the site. As an existing parking lot the area is exempt from tree shading requirement as are vehicle sales areas. However, staff is recommending that additional landscaping be provided to bring the site closer to compliance with total area landscaping requirements. Staff recommends that a minimum of 10% of the site be landscaped with the intent of providing areas for planting of trees. Additionally, the existing landscaped areas shall be replanted and a working irrigation system provided for both new and existing areas. A condition of approval requiring additional landscaping and irrigation facilities is included in this report. The result of increasing landscaping may result in the loss of proposed parking spaces.

Parking/Circulation: The site's primary access is from a single driveway off of El Camino Real. Additional service access is located in the rear of the site in the form of an alley. Parking is proposed in front of the building and along the west property line. Additional parking is accounted for within the service bays of the building.

Although the applicant has indicated a total of 53 spaces where 37 are required, staff believes this number is too optimistic and unlikely to be realized. The applicant is required to include two accessible parking spaces on the site, which is likely to result in a net loss of one space, the addition of a trash enclosure may result in the loss of one additional space. Staff's recommendation for additional landscaping will likely result in the loss of three parking spaces at a minimum. Furthermore, the availability of parking spaces within the building needs to take into account equipment location and other obstacles to clear parking spaces. As a result of the conditions of approval, the proposed total is a maximum of 48 spaces but as few as 46. Potential interior configuration changes could result in the loss of three to four additional spaces resulting in a total available number of parking spaces of 44 where 37 is required by the SMC.

Vehicle sales are proposed for the front parking spaces. The applicant desires to have as many vehicles sales spots as permitted by the minimum parking requirement. Acknowledging that a minimum of 37 spaces are required on site and the applicant is likely to have 44 available spaces, 7 spaces could be utilized for automobile sales. Staff is able to support vehicles sales for seven automobiles with the current 90 degree parking stall configuration parallel to El Camino Real. Modifications to the parking configuration for display stalls perpendicular to El Camino Real would likely not meet the minimum parking requirements and not allow for vehicle sales display. Staff would not allow any vehicles sales displays within the landscaped frontage strip.

Compliance with Development Standards/Guidelines: Although the El Camino Real Precise plan does not allow establishment of additional stand alone auto repair facilities along El Camino Real, the proposed site has previously been used for auto repair. Therefore, the prohibition of use is not applicable to this application. The site is legal nonconforming in regards to other site development standards of setbacks and landscaping. The private alley that is located along south property line prohibits creation of a landscaped buffer between the site and the residences to the south. The proposed use does not increase the nonconforming conditions. Staff has included conditions to upgrade landscaping. The construction of trash enclosure is required along the rear alley access area.

Expected Impact on the Surroundings: The site shall not have any additional impacts beyond current conditions. The site has previously been used for auto repair and the proposed use is consistent with previous levels of use.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected. There is no traffic impact fee associated with the project as there is no intensification of use on the site.

Public Contact

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• 10 notices mailed to property owners and residents adjacent to the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

Conclusion

Findings and General Plan Goals: Staff was able to make the required Findings based on the justifications for the Permit . Findings and General Plan Goals are located in Attachment A.

Conditions of Approval: Conditions of Approval are located in Attachment B.

Alternatives

1. Approve the Use permit with attached conditions.
2. Alternative 1 with modified conditions.
3. Deny the Use Permit

Recommendation

Alternative 1

Prepared by:

Kelly Diekmann
Project Planner

Reviewed by:

Diana O'Dell
Senior Planner

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Site and Architectural Plans
- D. Letter from the Applicant

Recommended Findings - Use Permit

Goals and Policies that relate to this project are:

Land Use and Transportation Element

N1.3. Support a full spectrum of conveniently located commercial, public and quasi-public uses that add to the positive image of the City.

N1.7 Support the location of convenient retail and commercial services (e.g., restaurants and hotels) in industrial areas to support businesses, their customers and their employees.

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as the project.

The proposed use provides an autobody and auto repair use within an existing building in a highway commercial zone. The auto vehicle sales are also highway commercial type use and their combination with auto repair is common along El Camino Real. The proposed upgrades to landscaping will enhance the appearance of the site.

2. The proposed use is compatible with uses in immediate vicinity due to its existence as an auto repair facility for over thirty years. The additional use of vehicle sales will not change the hours of operation or substantially increase levels of use of the site.

Recommended Conditions of Approval - Use Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. GENERAL CONDITIONS

- A. Project shall be in conformance with the plans approved at the public hearing(s). Minor changes may be approved by the Director of Community Development, major changes may be approved at a public hearing.
- B. Any major site and architectural plan modifications shall be treated as an amendment of the original approval and shall be subject to approval at a public hearing except that minor changes of the approved plans may be approved by staff level by the Director of Community Development.
- C. The Conditions of Approval shall be reproduced on a page of the plans submitted for a Building permit for this project.
- D. The Use Permit for the use shall expire if the use is discontinued for a period of one year or more.
- E. The Use Permit shall be null and void two years from the date of approval by the final review authority at a public hearing if the approval is not exercised, unless a written request for an extension is received prior to expiration date.
- F. Once this Use Permit is exercised, the previously approved permit File Number 1971-0166 shall be null and void with no further action required by any reviewing authority.

2. COMPLY WITH OR OBTAIN OTHER PERMITS

- A. Obtain building permits for interior improvements prior to commencing operations. Major building permit issues are upgrades to restroom facilities for accessibility, paint booth installation, fire sprinklers for entire building, and accessible parking spaces as noted in previous divisional staff comments.
- B. Obtain approval from the Water Pollution Control Plant for sewer connections. Auto detailing uses require certification of the use by the Water Pollution Control Plant.

3. COMMERCIAL USE

- A. The approved use for the site is autobody and auto repair and associated activities within the building.
- B. Automobile sales and display is permitted for up to seven vehicle parking spaces located at the front of the building. The Director of Community Development may authorize additional vehicle spaces upon reviewing and approving the modified parking and circulation plan for display spaces that exceed the minimum parking space requirements of the site.
- C. Hours of operation are restricted to beginning no sooner than 6:00 am and shall end by 10:00 pm.
- D. Out-of door loudspeakers shall be prohibited.

4. DESIGN/EXTERIOR COLORS AND MATERIALS

- A. Staff recommends the applicant repaint and finished the front façade. Such changes shall be submitted for review and subject to the approval by the Director of Community Development.
- B. Any exterior lighting proposed to be added to the site shall be submitted for review and subject to the approval of the Director of Community Development.

5. LANDSCAPING

- A. Landscape and irrigation plans shall be submitted to the Director of Community Development subject to approval by the Director of Community Development prior to issuance of a Building Permit. Landscaping and irrigation shall be installed prior to occupancy.

The landscape plan shall include the following elements:

- 1. Refurbished frontage landscaping, including trees, shrubs, and ground cover as required by the SMC.
 - 2. Additional landscaping resulting in a minimum of 10% of the site area as landscaped area. Areas should be of sufficient size to include trees with the intent of shading impervious surfaces.
 - 3. An irrigation plan to serve all existing and new landscaped areas
- B. The landscape plan shall include street trees as designated by the City Arborist.
- C. All landscaping shall be installed in accordance with the approved landscape plan and shall thereafter be maintained in a neat, clean, and healthful condition.

- D. Trees shall be allowed to grow to the full genetic height and habit (trees shall not be topped). Trees shall be maintained using standard arboriculture practices.
- E. Of new trees installed, 10% shall be 24-inch box size or larger and no tree shall be less than 15-gallon size.

6. PARKING

- A. Submit a revised parking and circulation plan to the Director of Community Development for review and approval prior to issuance of a Building Permit.
- B. Provide for accessible parking spaces in compliance with ADA standards. Show spaces and path of travel on building permit plans.
- C. Specify any compact parking spaces on Building Permit plans. All such areas shall be clearly marked prior to occupancy, as approved by the Director of Community Development.
- D. Building permit plan shall included spaces designated for vehicle sales.
- E. Specify compact parking spaces on the Building Permit plans. All such areas shall be clearly marked prior to occupancy, as approved by the Director of Community Development.
- F. Parking or display of vehicles within landscaped areas is prohibited.

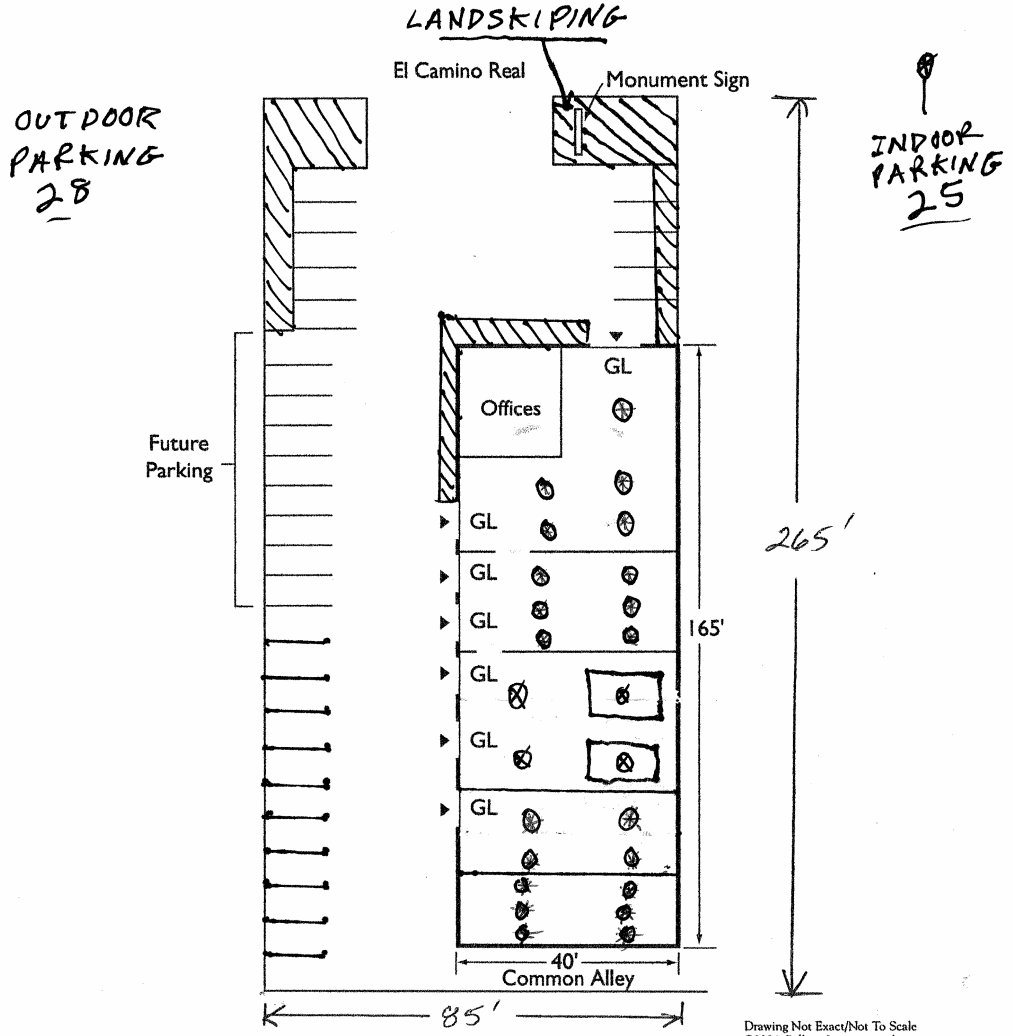
7. RECYCLING AND SOLID WASTE

- A. Submit a detailed recycling and solid waste disposal plan to the Director of Community Development for approval prior to the issuance of building permits.
- B. All exterior recycling and solid waste shall be confined to approved receptacles and enclosures.
- C. The required solid waste and recycling enclosure shall match the design, materials and color of the main building.
- D. The enclosure shall be of masonry construction and shall match the exterior design, materials and color of the main building.
- E. All recycling and solid waste containers shall be metal or State Fire Marshall listed non-metallic.

8. ROOF/ROOF SCREENS

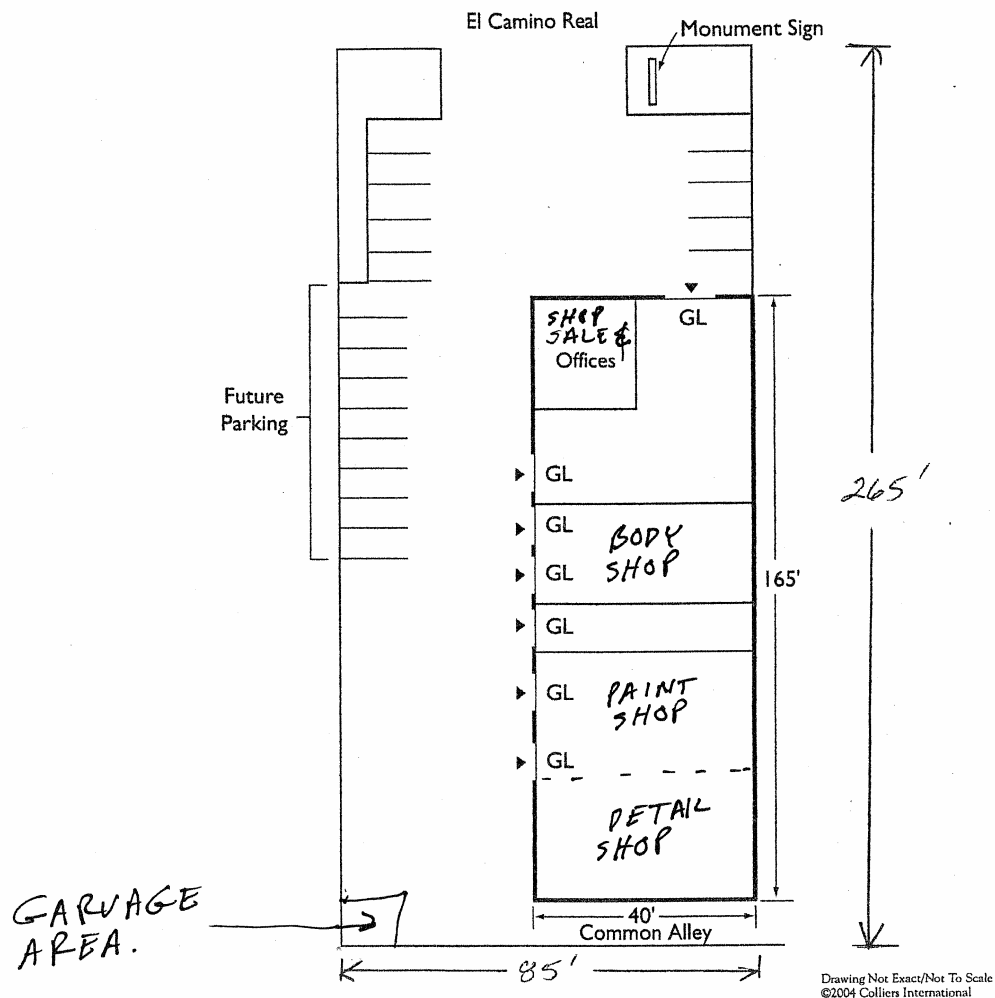
- A. New roof vents, pipes and flues shall be combined and/or collected together on slopes of roof or behind parapets out of public view to meet code requirements as noted in Sunnyvale Municipal Code Section 19.38.020.

928 El Camino Real, Sunnyvale

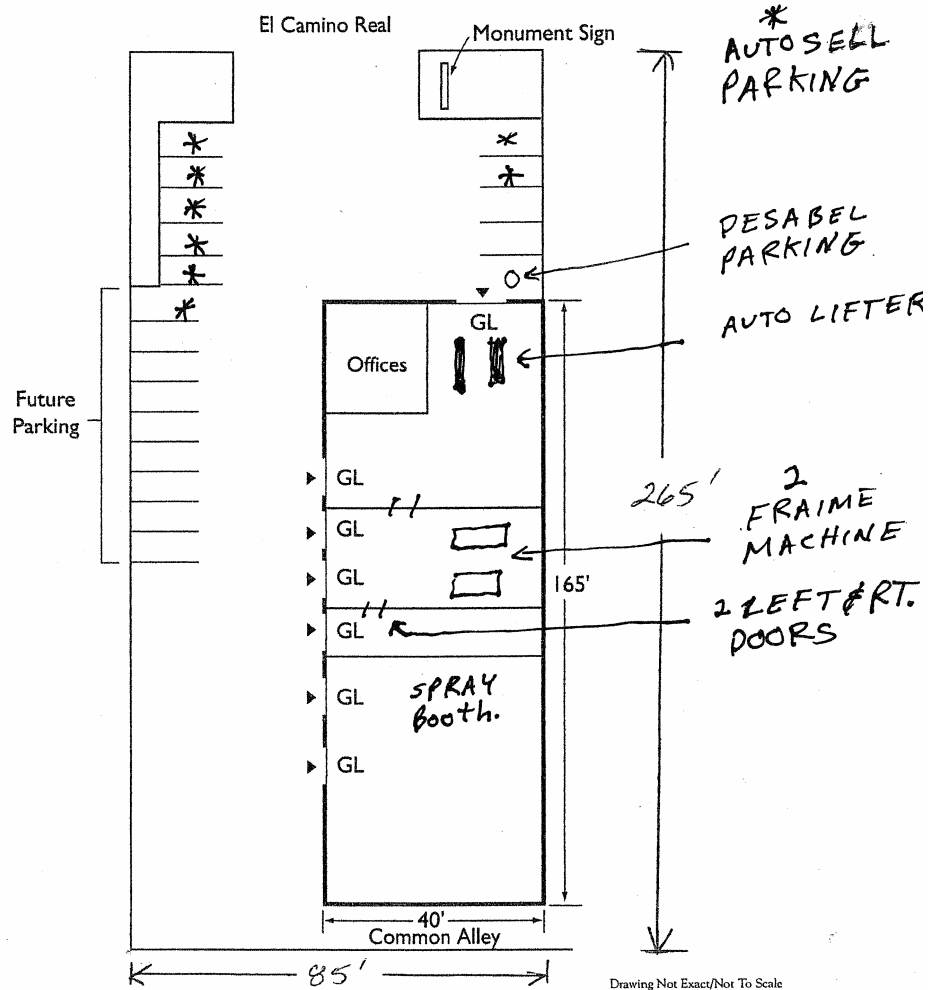


For More Information, Contact:

928 El Camino Real, Sunnyvale



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Drawing Not Exact/Not To Scale
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